

FILED

FEB 12 2019

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
CAPE GIRARDEAU

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KALA M. CHILDRESS,

Defendant.

)  
)  
)  
)  
) No.

1:19CR00016RLW/ACL

) Title 18  
) United States Code  
) Section 1343

**INDICTMENT**

**COUNT I**

**A. INTRODUCTION**

At all times material to this Indictment:

1. The defendant, Kala M. Childress, ("Childress") was employed by Bloomsdale Excavating Company, Inc. ("BEC"), in Sainte Genevieve County, Missouri. As part of her job duties at BEC, Childress was the Administrative Clerk for BEC, and was responsible for overseeing credit card accounts belonging to BEC and used by BEC employees. At all times pertinent herein, BEC was in the business of excavation and grading for construction projects.

2. Childress was hired on May 2, 2017, by BEC and was terminated from employment with BEC on or about December 3, 2018.

**B. THE SCHEME AND ARTIFICE TO DEFRAUD**

3. As part of her employment duties, Childress was responsible for checking BEC credit card statements for charges and reconciling charges with receipts for such charges, and coding the account charges to jobs, projects, and work performed by BEC and entering the information into the BEC accounting system.

4. Beginning on or about July 13, 2017, and continuing through about December 1, 2018, in Sainte Genevieve County within the Eastern District of Missouri and elsewhere, Childress, in her capacity as the Administrative Clerk for BEC, and reviewing and overseeing credit card payments and usage of BEC credit cards by BEC employees, devised a scheme to defraud BEC by directing payments from BEC Commerce Bank Visa credit cards to her personal accounts or accounts controlled by her, including PayPal accounts owned by her, in order to obtain funds from BEC to which Childress was not entitled.

5. Between on or about July 13, 2017, and December 1, 2018, in the Eastern District of Missouri and elsewhere, Childress knowingly and willfully devised and intended to devise a scheme and artifice to defraud BEC and to obtain monies, funds and credits from credit cards owned by and issued to BEC by Commerce Bank by means of materially false and fraudulent pretenses, representations and promises ("the scheme to defraud"), and in execution of the scheme and artifice caused writings, signs and signals to be transmitted by wire in interstate and foreign commerce.

**C. MEANS AND METHODS OF THE SCHEME AND ARTIFICE TO DEFRAUD**

6. As part of the scheme to defraud, Childress, without the knowledge of or authorization from BEC, fraudulently directed payments of monies and funds from credit cards owned by and issued to BEC by Commerce Bank to accounts owned and controlled by Childress, including PayPal accounts. Childress fraudulently received funds, monies and payments from BEC Visa credit cards issued by Commerce Bank to her personal accounts, including PayPal accounts, for her personal use and benefit, which were transmitted in interstate

commerce, including payments from Commerce Bank through interstate wire transfers of funds to Childress's PayPal accounts located in Las Vegas, Nevada.

7. As a result of the foregoing scheme and artifice to defraud and obtain money, Childress unlawfully obtained over \$240,000.00 for numerous fraudulently charged transactions from BEC Commerce Bank Visa credit cards to her personal accounts or accounts controlled by her, including PayPal accounts owned by her, for funds, payments and monies, to which she was not entitled, between July 13, 2017, and December 1, 2018.

### **THE CHARGES**

#### **THE GRAND JURY CHARGES THAT:**

8. On or about November 2, 2018, in Sainte Genevieve County and elsewhere, in the Eastern District of Missouri, the defendant,

#### **KALA M. CHILDRESS,**

for the purpose of executing the aforesaid scheme and artifice to defraud in order to obtain money, did transmit and caused to be transmitted in interstate commerce, by means of wire communication, writings, signs and signals, pertaining to a wire transfer of funds to Childress's personal PayPal account xxxxxxxxxxxxxxx4844, located in Las Vegas, Nevada, in the amount of \$7,203.30, from Bloomsdale Excavating Company, Inc.'s Visa credit card account xxxx-xxxx-xxxx-9667 with Commerce Bank, all in violation of Title 18, United States Code, Section 1343.

### **COUNT II**

#### **THE GRAND JURY FURTHER CHARGES THAT:**

9. All the allegations contained in paragraphs 1 through and including paragraph 7 of Count I of this Indictment, are re-alleged and incorporated by reference as if fully set forth herein.

10. On or about May 10, 2018, in Sainte Genevieve County and elsewhere, in the Eastern District of Missouri, the defendant,

**KALA M. CHILDRESS,**

for the purpose of executing the aforesaid scheme and artifice to defraud in order to obtain money, did transmit and caused to be transmitted in interstate commerce, by means of wire communication, writings, signs and signals, pertaining to a wire transfer of funds to Childress's personal PayPal account xxxxxxxxxxxxxxx4844, located in Las Vegas, Nevada, in the amount of \$7,203.30, from Bloomsdale Excavating Company, Inc.'s Visa credit card account credit card account xxxx-xxxx-xxxx-9667 with Commerce Bank, all in violation of Title 18, United States Code, Section 1343.

**COUNT III**

THE GRAND JURY FURTHER CHARGES THAT:

11. All the allegations contained in paragraphs 1 through and including paragraph 7 of Count I of this Indictment, are re-alleged and incorporated by reference as if fully set forth herein.

12. On or about January 17, 2018, in Sainte Genevieve County and elsewhere, in the Eastern District of Missouri, the defendant,

**KALA M. CHILDRESS,**

for the purpose of executing the aforesaid scheme and artifice to defraud in order to obtain money, did transmit and caused to be transmitted in interstate commerce, by means of wire

communication, writings, signs and signals, pertaining to a wire transfer of funds to Childress's personal PayPal account xxxxxxxxxxxxxxxx4844, located in Las Vegas, Nevada, in the amount of \$8,232.30, from Bloomsdale Excavating Company, Inc.'s Visa credit card account credit card account xxxx-xxxx-xxxx-9667 with Commerce Bank, all in violation of Title 18, United States Code, Section 1343.

#### **COUNT IV**

THE GRAND JURY FURTHER CHARGES THAT:

13. All the allegations contained in paragraphs 1 through and including paragraph 7 of Count I of this Indictment, are re-alleged and incorporated by reference as if fully set forth herein.

14. On or about July 24, 2017, in Sainte Genevieve County and elsewhere, in the Eastern District of Missouri, the defendant,

**KALA M. CHILDRESS,**

for the purpose of executing the aforesaid scheme and artifice to defraud in order to obtain money, did transmit and caused to be transmitted in interstate commerce, by means of wire communication, writings, signs and signals, pertaining to a wire transfer of funds to Childress's personal PayPal account xxxxxxxxxxxxxxxx4844, located in Las Vegas, Nevada, in the amount of \$6,483.00 from Bloomsdale Excavating Company, Inc.'s Visa credit card account credit card account xxxx-xxxx-xxxx-9667 with Commerce Bank, all in violation of Title 18, United States Code, Section 1343.

#### **FORFEITURE ALLEGATION**

The Grand Jury further finds by probable cause that:

1. Pursuant to Title 18, United States Code, Sections 981(a) and Title 28, United States Code, Section 2461(c), upon conviction of an offense in violation of Title 18, United States Code, Section 1343 as set forth in Counts I, II, III and IV, the defendant shall forfeit to the United States of America any property, real or personal, constituting or derived from any proceeds traceable to such violations.

2. Subject to forfeiture is a sum of money equal to the total value of any property, real or personal, constituting or derived from any proceeds traceable to said violations, the amount of which is at least \$246,673.58.

3. If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

the United States of America will be entitled to the forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

A TRUE BILL.

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FOREPERSON

JEFFREY B. JENSEN  
UNITED STATES ATTORNEY

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PAUL W. HAHN, #33190MO  
ASSISTANT UNITED STATES ATTORNEY